

**Translation**

**PATENT COOPERATION TREATY**

PCT/JP2004/000613



**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-00000023	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/000613	International filing date (day/month/year) 23 January 2004 (23.01.2004)	Priority date (day/month/year) 26 February 2003 (26.02.2003)
International Patent Classification (IPC) or national classification and IPC A01G 9/02, 7/00		
Applicant KYODO KY-TEC CORP.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 14 September 2004 (14.09.2004)	Date of completion of this report 05 January 2005 (05.01.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000613

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ The international application as originally filed/furnished

☒ the description:

pages \_\_\_\_\_ 1-16 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ 3,6,7 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19

pages\* \_\_\_\_\_ 1,2,4,5 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 14 September 2004 (14.09.2004)

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ 1-12 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000613

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)

Claims

1-7

YES

Claims

NO

Inventive step (IS)

Claims

1-7

YES

Claims

NO

Industrial applicability (IA)

Claims

1-7

YES

Claims

NO

## 2. Citations and explanations (Rule 70.7)

Document 1: JP, 10-098950, A (Hironori AZAMA), 21 April, 1998.

The following matters are described in document 1.

1) Par. Nos. [0005]-[0006]

[0005]

[Means for Resolving the Problems]

As means for resolving the above-described problems, in a protective container for roots of grass in accordance with the present invention, supports are welded to a necessary degree onto the upper surface of a metal sheet, holes for draining water are provided to a necessary degree between the supports, and the deformation of the upper plate 1 is prevented by receiving the load applied to the upper plate 1 by the lower substrate 5. Soil is introduced into the pipe supports 2a and around them and grass is planted.

[0006]

A chosen number of holes 3a are opened on both sides of a metal upper plate 1, metallic pipe supports 2a are welded thereon, their number corresponding to that of the holes 3a, holes 3b are provided in any number between the pipe supports, and a surrounding plate 4 made of a metal is welded at a height approximately equal to that of the pipe supports 2 so as to face upward on the four sides on the outer peripheral section of the upper plate 1. A substrate 5 for supporting the upper plate 1 from below is provided beneath the upper plate and the structure of the substrate 5 has a grid-like configuration.

Document 2: CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No. 033911/1992 (Laid-open No. 087005/1993) (Yugen Kaisha Clean up System), 22 November, 1993. The following matters are described in document 2

1) Par. No. [0014]

[Embodiment]

Fig. 1, Fig. 2, and Fig. 3 show the structure of a water-draining and water-holding apparatus of the first embodiment of the present utility model. This structure is composed of an upper lid 4 where a plurality of water drain holes 2 are drilled in a plate surface 1, a plurality of downward columnar bodies 2a are provided in a protruding condition on the plate surface 1, and a downward recess 3 is formed in the corner portion of the plate surface 1; a frame 9 having drilled therein a plurality of water draining holes 5 and notched water draining holes 6, having formed therein spiral protrusions 7 for joining and spiral grooves 8 for joining, and having triangular reinforcing members 9a provided so as to pass through longitudinal holes in the inner corner portion; and a bottom plate 12 having the upward columnar bodies 11 provided in the vertical conditions in the corner portions of the plate surface 10. Fig. 9b shows through longitudinal holes of the triangular reinforcing members 9a.

Fig. 4 and Fig. 5 show the structure of water-draining and water-holding apparatus of the second embodiment of the present utility model, this structure being composed of an upper lid 16 where a plurality of water drain holes 14 are drilled in a plate surface 13 and a plurality of downward columnar bodies 15 are provided in a protruding condition on the plate surface 13; a frame 21 having drilled therein a plurality of water draining holes 17 and notched water draining holes 18 and having formed therein spiral protrusions 19 for joining and spiral grooves 20 for joining; and a bottom plate 24 in which a plurality of recesses 23 are formed in the plate surface 22.

2) Fig. 1

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of Box V:

Document 3: JP, 11-289876, A (Kyodo Kay-TEC Corp.), 26 October, 1999 & US, 6237285, B&TW 445756 Y.

The following matters are described in document 3.

1) Par. No. [0016]

[0016]

In the regions demarcated by the rising portions 3 and side walls 2a of the cell 2, four columnar members 6 that are independent from each other are provided in the vertical direction on the bottom surface 2b of the cell 2, and small holes 7 are provided in the top surfaces thereof. Here the height of the columnar members 6 is about 3/5 the height of the side walls 2a of the cell 2. Further, the columnar members 6 are hollow, and the lower part thereof serves as an open section 8; the columnar members are joined and fitted around a protrusion 9 provided in the bottom surface 2b of the cell 2 (Fig. 3). Any shape of the protrusion 9 may be used, provided that it enables joining and fitting inside the lower portion of the columnar members 6. Small holes 7 may be provided in the columnar members 6 in the appropriate locations.

2) Fig. 3

(1) Claim 1

Documents 1 to 3 neither describe nor suggest "columnar members provided almost in a row in position on appropriately the same plane of view from the locations directly receiving the external force applied to the planting section to the bottom surface of the water storage section or installation surface".

Therefore, the present invention appears to involve an inventive step.

(2) Claims 2-7

The inventions of claims 2-7 are dependent inventions that directly or indirectly cite claim 1; Because the invention of claim 1 appears to involve an inventive step, as described hereinabove, those inventions also appear to involve an inventive step.